

FILED IN THE
U.S. DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

Jun 21, 2022

SEAN F. McAVOY, CLERK

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

UNITED STATES OF AMERICA,

Plaintiff,

v.

HERMINIO GARCIA ROJAS,

Defendant.

Nos. 2:10-cr-02120-SMJ-1;
1:21-cr-02023-SMJ-1

**ORDER GRANTING MOTION TO
TERMINATE WRIT**

Before the Court, are Defendant's Motions to Terminate Federal Writ, 2:10-cr-2120-SMJ-1, ECF No. 304 and 1:21-cr-2023-SMJ-1, ECF No. 41. Defendant seeks termination so that he may be returned to state custody to resolve his state charges before then being returned to federal custody to resolve this matter. 1:21-cr-2023-SMJ-1, ECF No. 41. The Government opposes termination. *Id.* at 2. After hearing oral argument from the parties, the Court found that it is in the interests of justice to terminate the writ so that Defendant may resolve the charges in his state matter first, before being returned to federal custody.

Accordingly, **IT IS HEREBY ORDERED:**

1. Defendant's Motions to Terminate Federal Writ, **2:10-cr-2120-SMJ-1, ECF No. 304** and **1:21-cr-2023-SMJ-1, ECF No. 41**, are **GRANTED**. The Writ of Habeas Corpus ad Prosequendum in these

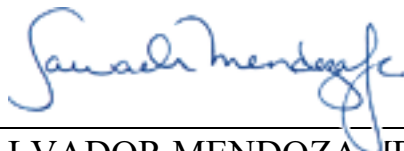
1 matters—2:10-cr-2120-SMJ-1, ECF No. 285 and 1:21-cr-2023-SMJ,
2 ECF No. 7—are **TERMINATED**. Defendant is **REMANDED** to
3 state custody.

4 **2.** Pursuant to 18 U.S.C. § 3161(h)(7)(A), the Defendant’s oral motion to
5 stay these matters is **GRANTED** and these matters are **STAYED** until
6 Defendant is returned to federal custody. Accordingly, the Court
7 **DECLARES EXCLUDABLE from Speedy Trial Act calculations**
8 the period from **June 21, 2022**, the date defense counsel moved to stay
9 these matters, through the date prior to his return to federal custody.

10 **3.** Defendant’s Motion to Continue, **1:21-cr-2023-SMJ, ECF No. 38**, is
11 **DENIED AS MOOT**.

12 **IT IS SO ORDERED.** The Clerk’s Office is directed to enter this Order and
13 provide copies to all counsel, the U.S. Probation Office, and the U.S. Marshals
14 Service.

15 **DATED** this 21st day of June 2022.

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SALVADOR MENDOZA, JR.
18 United States District Judge
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